

Agenda Report

September 3, 2013 City Council Meeting

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Item No. 7

ISSUE: Ordinance allowing for City Administrator Employment Agreement to be established from time to time via a resolution

BACKGROUND:

Currently City Code states that the City Administrator serves at the pleasure of the City Council. The code is silent about allowing for an employment agreement. After conferring with fellow colleagues, I would like the Council to consider amending the current code to allow the City Council to negotiate from time to time via resolution an employment contract with the City Administrator. The ordinance does not affect compensation or any other benefits, it only sets forth that an employment agreement can be approved via resolution.

RECOMMENDATION:

Staff recommends the City Council approve the amended ordinance and waive the 2nd and 3rd readings since an employment agreement is already in place.

STAFF CONTACTS:

Jeffrey A. Fiegenschuh, City Administrator

ORDINANCE NO. 13-11

**AMENDING CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA BY
AMENDING CHAPTER 18, ARTICLE 1, APPOINTMENT AND COMPENSATION; AND CHAPTER
21, ARTICLE 2, TERM TO PROVIDE FOR CITY ADMINISTRATOR'S TERM OF EMPLOYMENT
THROUGH RESOLUTION**

WHEREAS, the code of ordinances for the city of Windsor Heights currently provides the City Administrator is an at-will employee serving at the pleasure of the City Council, and;

WHEREAS, the City Council plans to execute a contract via a city resolution that would set the terms of the City Administrator's employment, and;

WHEREAS, a resolution would be ineffective to amend the code of ordinances for the city of Windsor Heights regarding the City Administrator's term as written;

NOW THEREFORE BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend Section 18.01 of Chapter 18 and Section 21.02 of Chapter 21 of the Municipal Code to provide for the City Administrator's term of employment through city resolution.

SECTION 2. Amended. Chapter 18, Article 1, "Appointment and Compensation", Section 18.01 is hereby amended by adding or ~~deleting~~ the following:

18.01 APPOINTMENT AND COMPENSATION. The City Administrator serves ex officio as City Clerk ~~at the pleasure of~~ pursuant to a term as shall be established by resolution by the Council and has the duties, powers, and functions prescribed in this chapter, by State law, and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

SECTION 3. Amended. Chapter 21, Article 2, "Term", Section 21.02 is hereby amended by adding or ~~deleting~~ the following:

21.02 TERM. The City Administrator shall serve ~~at the pleasure of the Council~~ pursuant to a term as shall be established by resolution.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance shall be effective on _____, 2013, after the final passage, approval and publication as provided by law.

PASSED this ___ day of _____, 2013.

APPROVED this ___ day of _____, 2013.

(SEAL)

David J. Sullivan, Mayor

ATTEST:

Jeffrey A. Fiegenschuh, City Administrator/City Clerk

APPROVED AS TO FORM:

Matt Brick, Attorney

I, Jeffrey A. Fiegenschuh, City Clerk of the City of Windsor Heights, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Windsor Heights, Iowa on the ___ day of _____, 2013 and was published in the _____, a newspaper of general circulation in the said City of Windsor Heights on the ___ day of _____, 2013.

Dated this ___ day of _____, 2013.

Jeffrey A. Fiegenschuh, City Administrator/City Clerk